

108TH CONGRESS
1ST SESSION

H. R. 2095

To amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2003

Mr. GREEN of Texas (for himself, Mr. QUINN, Mr. PALLONE, Mr. BERMAN, Mr. McDERMOTT, Mr. SANDLIN, Mr. EVANS, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. FROST, Mr. GORDON, and Mr. BELL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Comprehensive Insur-
3 ance Coverage of Childhood Immunization Act of 2003”.

4 **SEC. 2. COMPREHENSIVE COVERAGE FOR CHILDHOOD IM-**
5 **MUNIZATION BY GROUP HEALTH PLANS AND**
6 **HEALTH INSURANCE ISSUERS.**

7 (a) GROUP HEALTH PLANS.—

8 (1) PUBLIC HEALTH SERVICE ACT AMEND-
9 MENTS.—Subpart 2 of part A of title XXVII of the
10 Public Health Service Act is amended by adding at
11 the end the following new section:

12 **“SEC. 2707. STANDARD RELATING TO COVERAGE OF CHILD-**
13 **HOOD IMMUNIZATION.**

14 “(a) IN GENERAL.—A group health plan, and a
15 health insurance issuer offering group health insurance
16 coverage, shall provide for each plan year comprehensive
17 coverage for routine immunizations for each individual
18 who is a dependent of a participant or beneficiary under
19 the plan and is under 19 years of age.

20 “(b) COMPREHENSIVE COVERAGE.—For purposes of
21 this section, comprehensive coverage for routine immuni-
22 zations for a plan year consists of coverage, without
23 deductibles, coinsurance, or other cost-sharing, for immu-
24 nizations (including the vaccine itself) in accordance with
25 the most recent version of the Recommended Childhood
26 Immunization Schedule issued prior to such plan year by

1 the Advisory Committee on Immunization Practices of the
2 Centers for Disease Control and Prevention.”.

3 (2) ERISA AMENDMENTS.—

4 (A) IN GENERAL.—Subpart B of part 7 of
5 subtitle B of title I of the Employee Retirement
6 Income Security Act of 1974 is amended by
7 adding at the end the following new section:

8 **“SEC. 714. STANDARD RELATING TO COVERAGE OF CHILD-**
9 **HOOD IMMUNIZATION.**

10 “(a) IN GENERAL.—A group health plan, and a
11 health insurance issuer offering group health insurance
12 coverage, shall provide for each plan year comprehensive
13 coverage for routine immunizations for each individual
14 who is a dependent of a participant or beneficiary under
15 the plan and is under 19 years of age.

16 “(b) COMPREHENSIVE COVERAGE.—For purposes of
17 this section, comprehensive coverage for routine immuni-
18 zations for a plan year consists of coverage, without
19 deductibles, coinsurance, or other cost-sharing, for immu-
20 nizations (including the vaccine itself) in accordance with
21 the most recent version of the Recommended Childhood
22 Immunization Schedule issued prior to such plan year by
23 the Advisory Committee on Immunization Practices of the
24 Centers for Disease Control and Prevention.”.

1 (B) CLERICAL AMENDMENT.—The table of
 2 contents in section 1 of such Act is amended by
 3 inserting after the item relating to section 713
 4 the following new item:

“Sec. 714. Standard relating to coverage of childhood immunization.”.

5 (b) INDIVIDUAL HEALTH INSURANCE.—Part B of
 6 title XXVII of the Public Health Service Act is amended
 7 by inserting after section 2752 the following new section:

8 **“SEC. 2753. STANDARD RELATING TO COVERAGE OF CHILD-**
 9 **HOOD IMMUNIZATION.**

10 “The provisions of section 2707 shall apply to health
 11 insurance coverage offered by a health insurance issuer
 12 in the individual market in the same manner as they apply
 13 to health insurance coverage offered by a health insurance
 14 issuer in connection with a group health plan in the small
 15 or large group market.”.

16 **SEC. 3. COORDINATION OF ADMINISTRATION.**

17 The Secretary of Health and Human Services and the
 18 Secretary of Labor shall ensure, through the execution of
 19 an interagency memorandum of understanding among
 20 such Secretaries, that—

21 (1) regulations, rulings, and interpretations
 22 issued by such Secretaries relating to the same mat-
 23 ter over which both such Secretaries have responsi-
 24 bility under the provisions of this Act (and the

1 amendments made thereby) are administered so as
2 to have the same effect at all times; and

3 (2) coordination of policies relating to enforcing
4 the same requirements through such Secretaries in
5 order to have a coordinated enforcement strategy
6 that avoids duplication of enforcement efforts and
7 assigns priorities in enforcement.

8 **SEC. 4. EFFECTIVE DATES.**

9 (a) GROUP HEALTH PLANS AND GROUP HEALTH IN-
10 SURANCE COVERAGE.—Subject to subsection (c), the
11 amendments made by section 2(a) apply with respect to
12 group health plans for plan years beginning on or after
13 January 1, 2004.

14 (b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—
15 The amendment made by section 2(b) applies with respect
16 to health insurance coverage offered, sold, issued, re-
17 newed, in effect, or operated in the individual market on
18 or after such date.

19 (c) COLLECTIVE BARGAINING EXCEPTION.—In the
20 case of a group health plan maintained pursuant to 1 or
21 more collective bargaining agreements between employee
22 representatives and 1 or more employers ratified before
23 the date of enactment of this Act, the amendments made
24 by section 2(a) shall not apply to plan years beginning
25 before the later of—

1 (1) the earliest date as of which all such collec-
2 tive bargaining agreements relating to the plan have
3 terminated (determined without regard to any exten-
4 sion thereof agreed to after the date of enactment of
5 this Act), or

6 (2) January 1, 2004.

7 For purposes of paragraph (1), any plan amendment made
8 pursuant to a collective bargaining agreement relating to
9 the plan which amends the plan solely to conform to any
10 requirement added by section 2(a) shall not be treated as
11 a termination of such collective bargaining agreement.

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